

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Minersville Reservoir & Irrigation Company</p> <p>Rocky Ford Irrigation Company</p> <p>RESPONDENTS</p>	<p>MEASURING DEVICE NOTICE</p> <p>SEAA No. 1440 DISTRIBUTION ACCOUNTS: 100160, 100006</p>
---	--

I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 and in accordance with UTAH ADMIN. CODE R. 655-15. U.C.A. § 73-5-4 states:

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.

(3) The state engineer shall approve the design of:

- (a) the measuring device; and*
- (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works.*

(4) A person using water as an instream flow:

(a) shall install and maintain a measuring device or stream gauging station in the section of the stream within which the instream flow is maintained; and

(b) is not required to install controlling works unless the state engineer's order approving the application requires the installation because controlling works are necessary to achieve the purpose of the application.

(5) (a) An owner or manager of a reservoir shall construct and maintain a measuring device as directed by the state engineer to measure the inflow, storage content, and outflow from the reservoir.

(b) The state engineer shall approve the design and location of the measuring device.

(c) The owner or manager of a reservoir shall make the measuring device accessible to the state engineer or water commissioner.

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

II. BACKGROUND

The Beaver River Decree requires that the Beaver River from Barton Ditch to the high water level of Minersville Reservoir (pages 41 – 42) be divided amongst the various water users. In order to properly measure and apportion this water, a reliable and functioning measuring device is required on the river above the high water level of Minersville Reservoir. The measuring device is the collective responsibility of the Respondents. Be advised that a similar notice addressing measurement near Greenville is being sent to the direct flow water users below the Patterson Dam.

III. ACTIONS REQUIRED

1. Respondents are hereby required to install a measuring device on the Beaver River near the highest point of the backwater of Minersville Reservoir.
2. The measuring device must be capable of continuously recording the flow of the river.
3. The design and precise location of the measuring device must be approved by the State Engineer before construction may begin.
4. Respondents' measuring device is to be made accessible to the River Commissioner.
5. The required work must be completed within 30 days of the date of this Notice.
6. It is Respondents' responsibility to acquire a stream alteration permit for any disturbance of soils in the streambed.

IV. ADDITIONAL AGENCY ACTION

If the work is not satisfactorily completed in the time allowed, the Division may issue an Order forbidding the use of water until Respondents have complied, or may commence enforcement proceedings authorized by § 73-3-25.

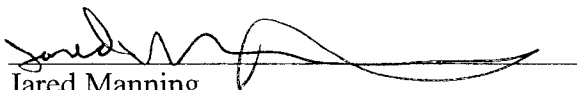
V. FURTHER INFORMATION

If you have any questions concerning this notice, please contact:

Mike Silva, Distribution Engineer
(801) 538-7430
MikeSilva@Utah.gov

Kurt Vest, Regional Engineer
(435) 781-5327
KurtVest@Utah.gov

Dated this 18 day of April, 2012.


Jared Manning
Assistant State Engineer

MINERSVILLE RESERVOIR & IRRIGATION COMPANY
C/O ANTHONY BEALER
PO BOX 141
MINERSVILLE, UT 84752

ROCKY FORD IRRIGATION COMPANY
C/O LYNN DALTON
PO BOX 138
MINERSVILLE, UT 84752

cc: Kurt Vest, Regional Engineer
Steve Gale, Beaver River Commissioner
Distribution File: Beaver River